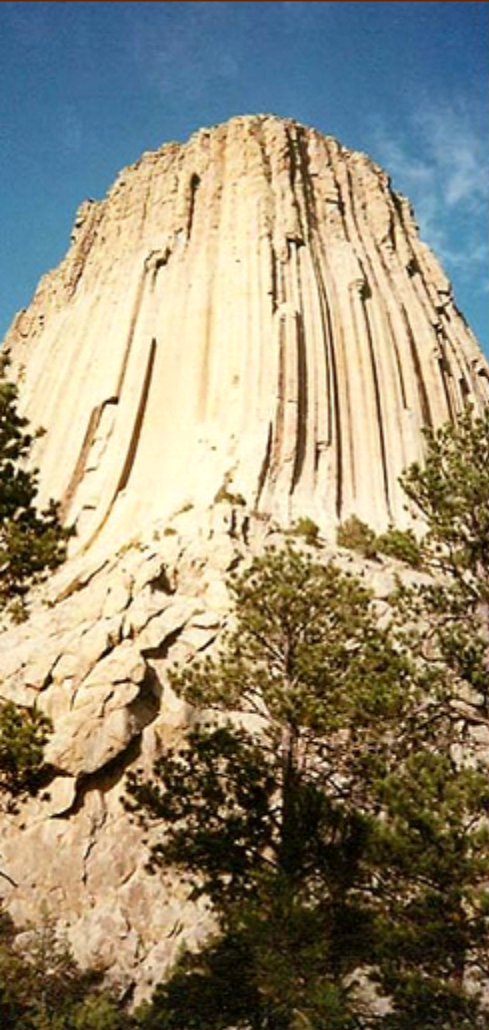




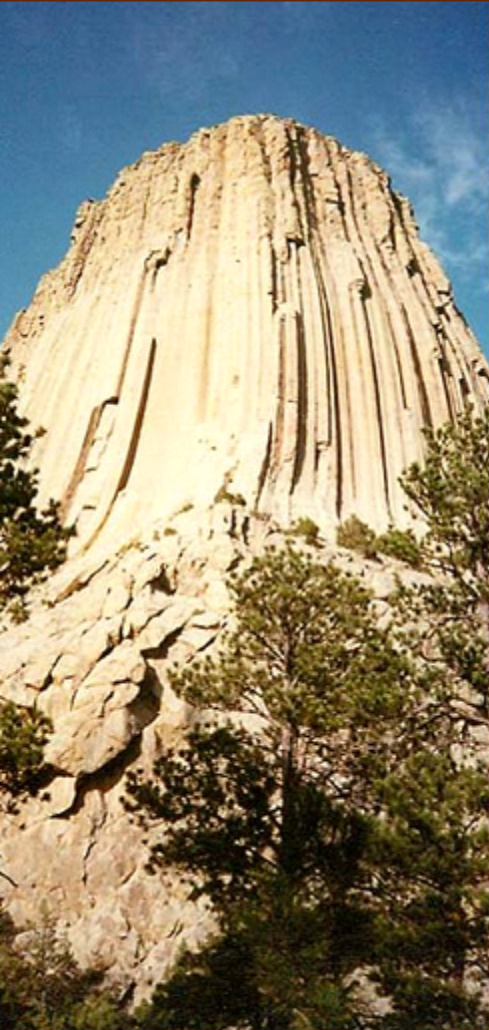
# Wyoming Workers' Safety and Compensation and The Hearing Process



# Customer Service

The Division has full-time personnel who specialize in aiding employers and injured workers with claim information and problems.

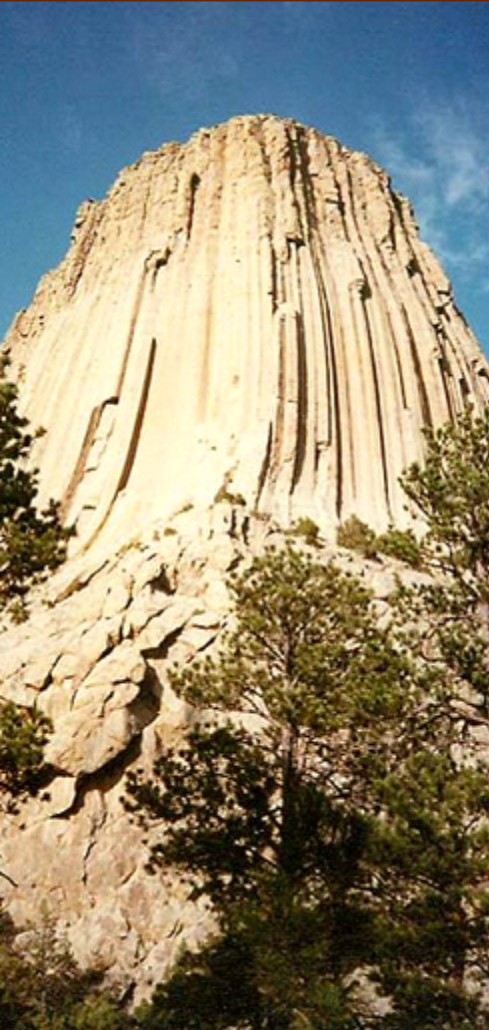
Contact the Customer Service Unit during business hours at: (307)777-5476, or via e-mail at [askmewc@state.wy.us](mailto:askmewc@state.wy.us).



## Wyoming Statute 27-14-606

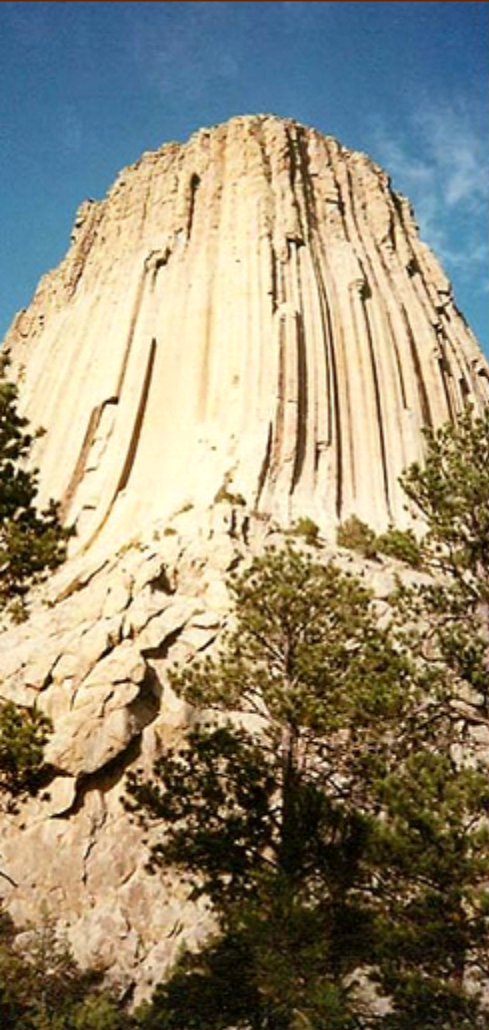
Each determination or award is an administrative determination of the rights of the employer, the employee and the disposition of money within the worker's compensation account as to all matters involved. No determination shall be final without notice and opportunity for hearing as required by this act.





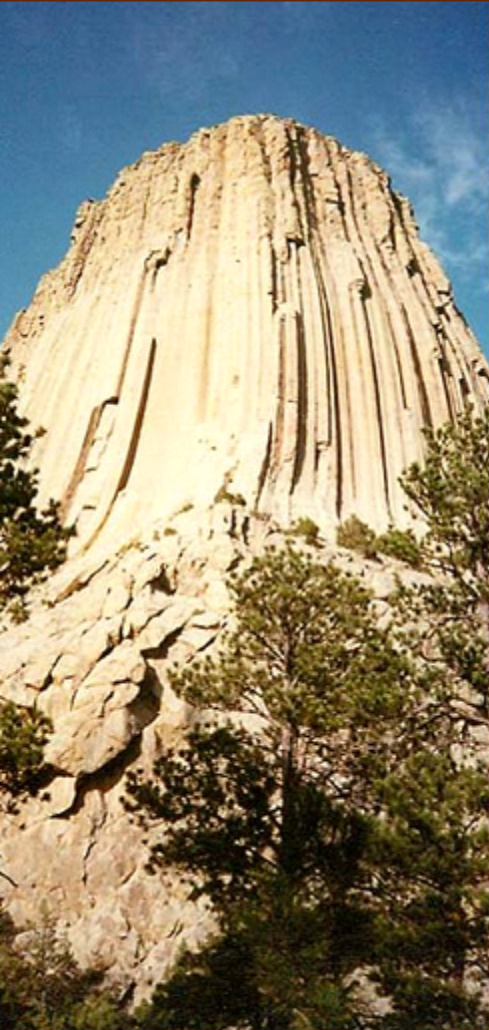
## Wyoming Statute 27-14-601(k)(iv))

Any interested party may request a hearing before a hearing examiner on the final determination of the division by filing a written request for hearing with the division within fifteen (15) days after the date the notice of the final determination was mailed by the division.



# Wyoming Statute 27-14-601(k)(vi))

The Division may, whenever benefits have been denied to a worker, make a redetermination within one (1) year after the date of an original determination.



# The Hearing Process

It is the policy of Workers' Compensation that requests for hearing will be referred to the hearing body within five working days, but in no case later than 30 calendar days from the date of the request





# The Hearing Process

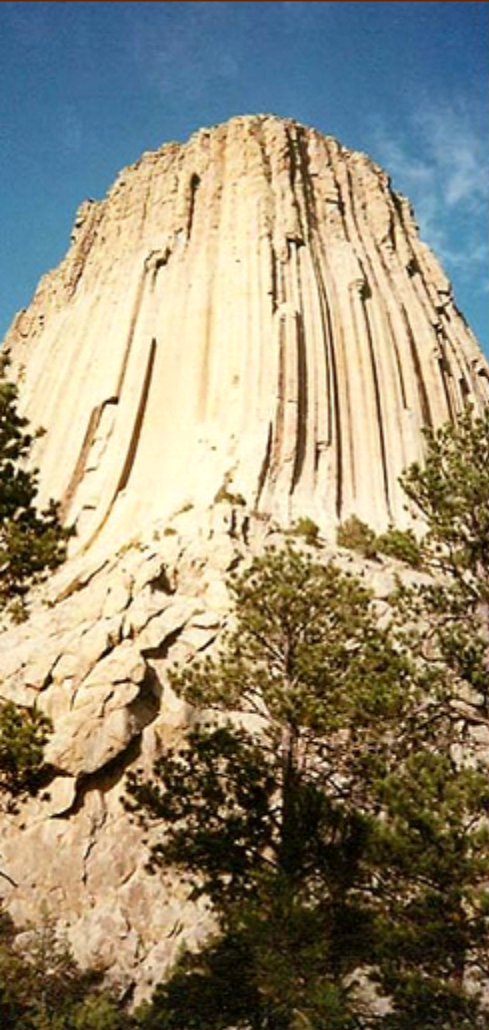
The Workers' Compensation Hearing process consists of:

Office of Administrative Hearings (OAH)

Medical Commission

Small Claims

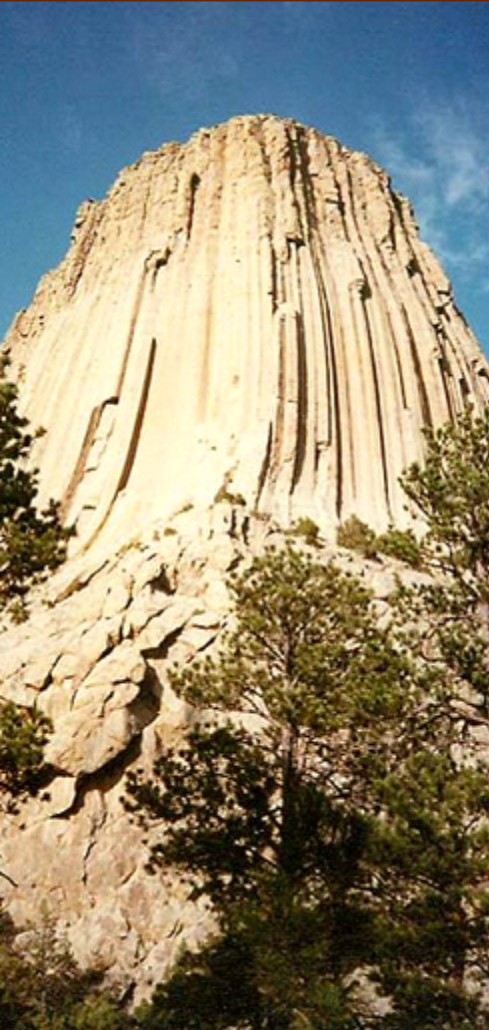
Internal Hearing Unit



# Office of Administrative Hearings

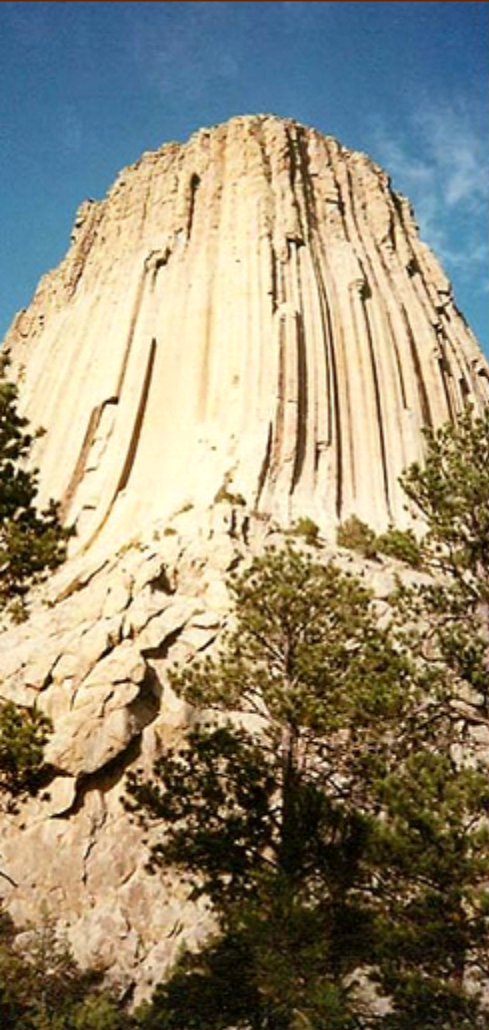
The Office of Administrative Hearings serves as a professional, independent and impartial hearing authority in administrative contested cases.





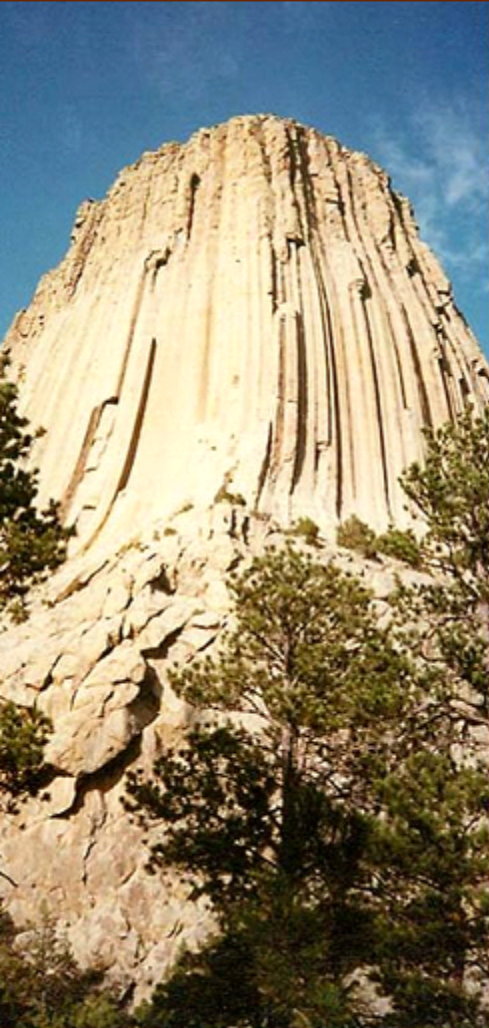
# Office of Administrative Hearings

The Office of Administrative Hearings is a separate operating agency created by Wyoming Stat. Ann. 9-2-2201, and is statutorily charged with providing impartial hearing services to state agencies.



# Office of Administrative Hearings

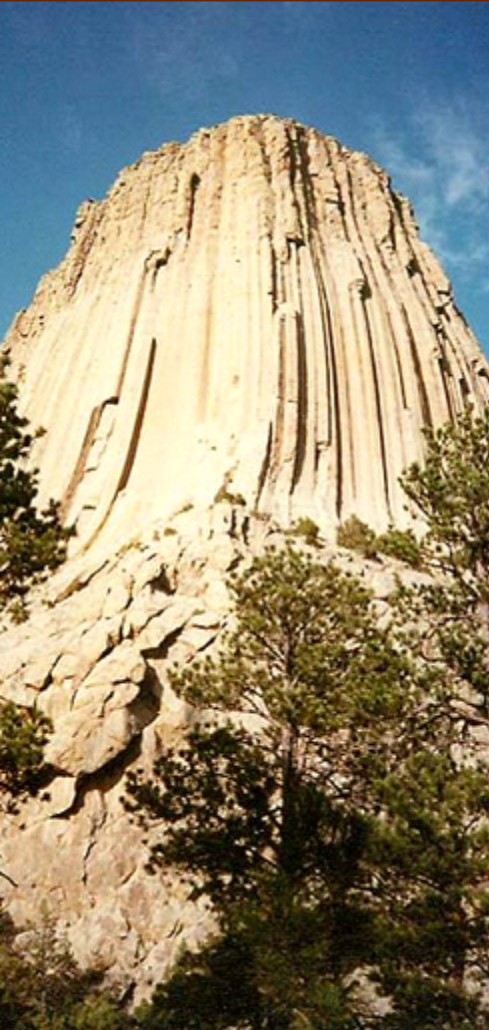
The Office of Administrative Hearings has jurisdiction over issues of compensability and questions of Law.



# Medical Commission

The Medical Commission is created to consist of eleven (11) health care providers appointed by the governor. The Division shall refer medically contested cases to the commission for hearing by a medical hearing panel.





# Medical Commission

The Medical Commission has jurisdiction over issues of

- a claimant's percentage of physical impairment;

- whether a claimant is permanently totally disabled;

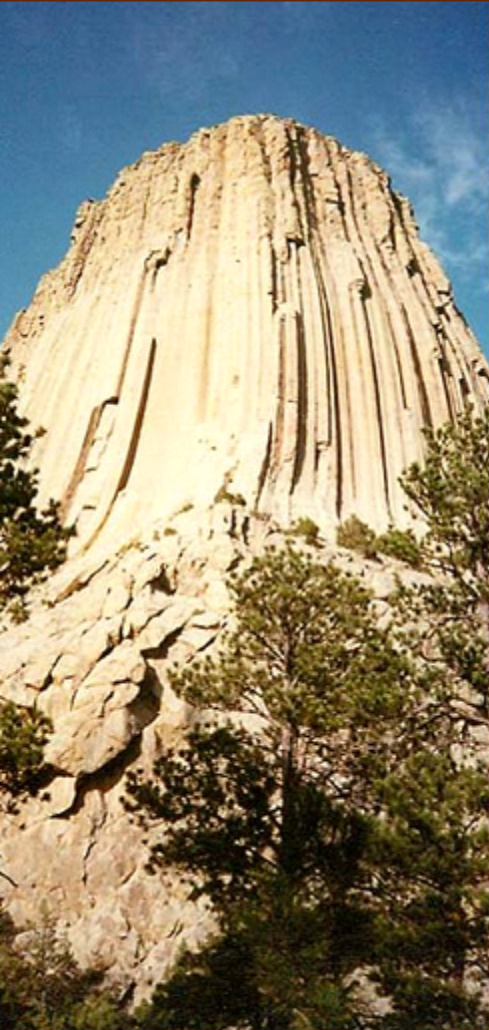
- whether a claimant who has been receiving TTD benefits remains eligible for those benefits; or,

- any other issue, the resolution of which is primarily dependent upon the evaluation of conflicting evidence as to medical diagnosis, medical prognosis, or the reasonableness and appropriateness of medical care.



# Small Claims

The purpose of a small claims hearing is to provide expedited review by a hearing examiner



# Small Claims

A request for hearing shall be conducted as a small claims hearing if

the amount at issue is less than two thousand dollars (\$2,000.00);

is not an issue of the compensability of the injury pursuant to W.S. 27-14-601(a); and

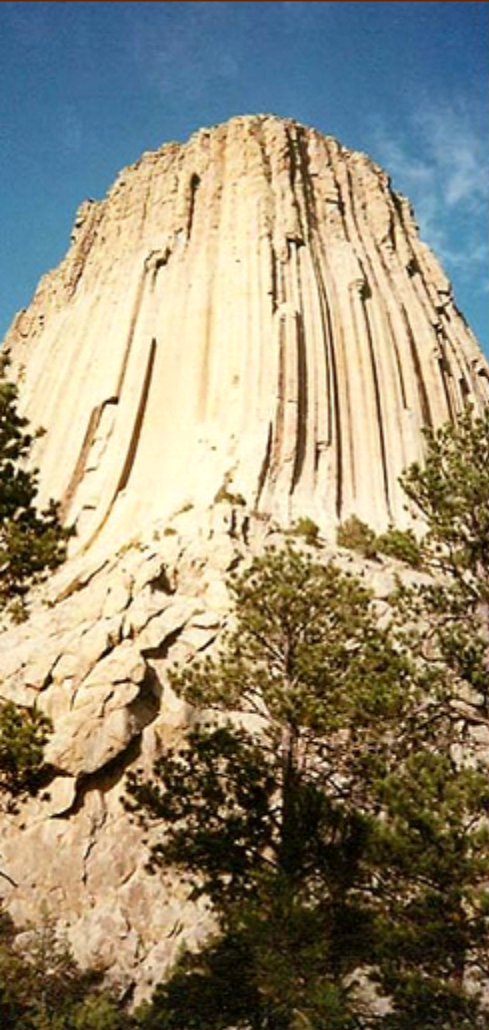
the Division requests the hearing be held as a small claims hearing.





# Small Claims

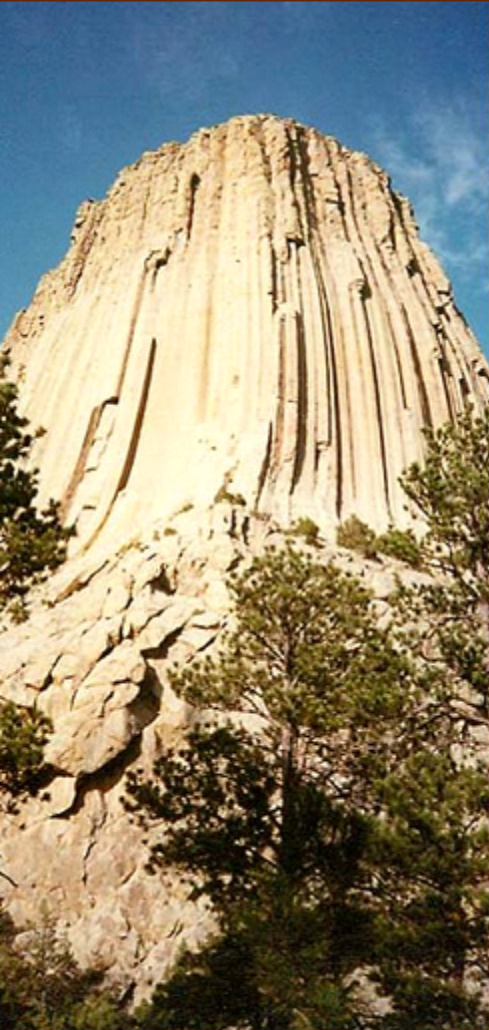
In a small claims hearing, the Division will not pay a claimant's attorney, nor will the Office of the Attorney General represent the Division.



# Internal Hearing Unit

If any party objects to the Final Determination outside the time frame outlined in the letter, the case will be referred to the Internal Hearing Unit.

The purpose of the Internal Hearing Unit (IHU) is to provide a forum for timely filing issues pursuant to W.S. 27-14-601(k).

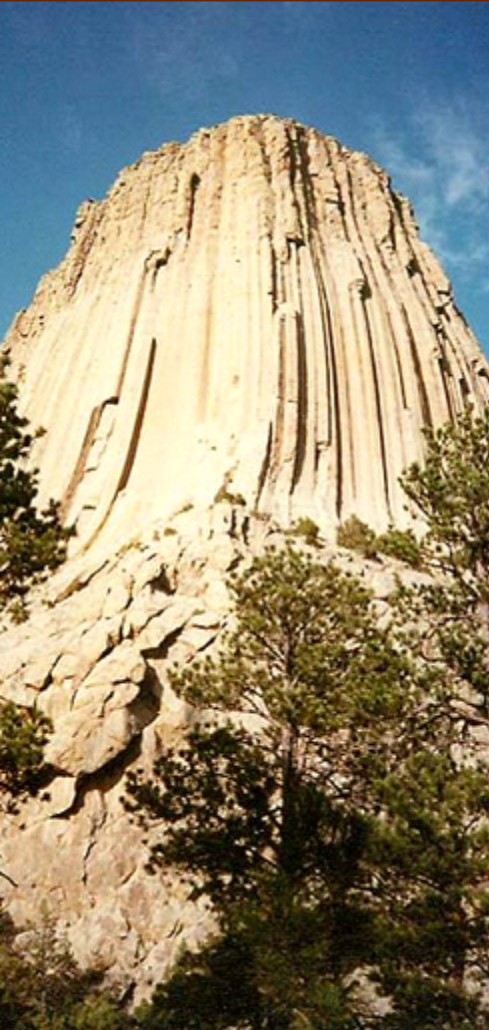


# Internal Hearing Unit

The final decision is made by the Director of the Department of Employment, based on the recommendation of the IHU Hearing Officer.

In a IHU hearing, the Division will not pay a claimant's attorney.





# Obtaining an Attorney

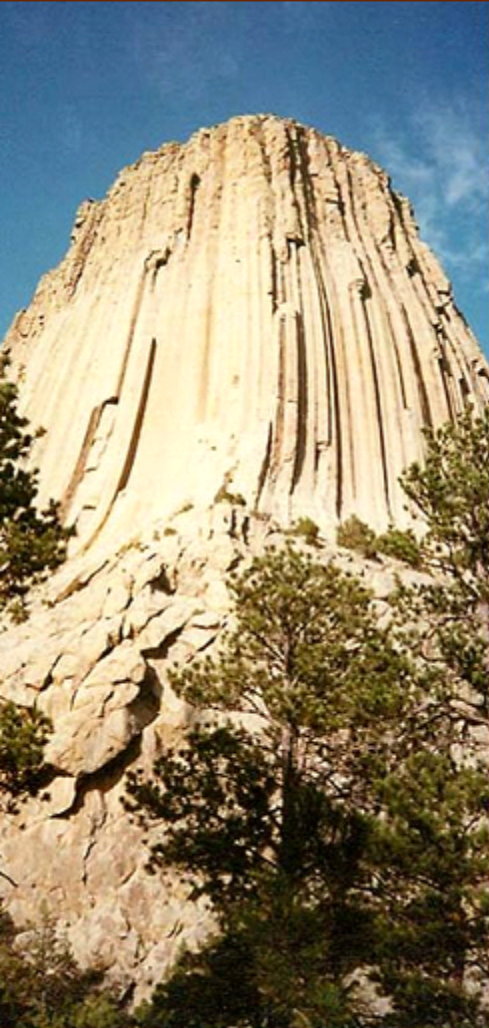
In a contested case hearing, the claimant may obtain an attorney of their own choosing or the hearing office may assist in obtaining an attorney. The Division will pay the appointed attorney fees and court costs as directed by the hearing officer. (Wyoming Statute 27-14-602)



# Representation

The Division is represented by deputy to the Attorney General.

Employers are encouraged to have their own attorney participate in the hearing process.



# TTD Benefits

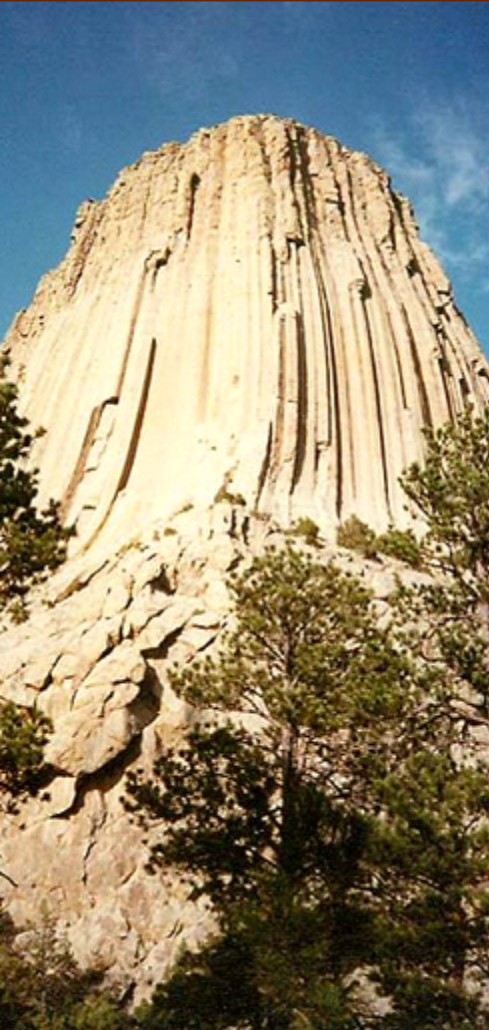
If the employer objects to a division determination that an injury is compensable and the employee's health care provider has certified the employee as temporarily totally disabled, an injured worker may request an interim benefit while his case is under appeal.

The benefit shall be paid for up to three (3) months until a final compensability decision by a hearing examiner is issued or until the expiration of the period of certified temporary disability, whichever occurs first.

The experience rating of the employer against whom a claim is made shall not be charged if the injury is determined after hearing not to be compensable.

Only one (1) interim benefit under this subsection may be awarded per injury. (Wyoming Statute 27-14-404(k))





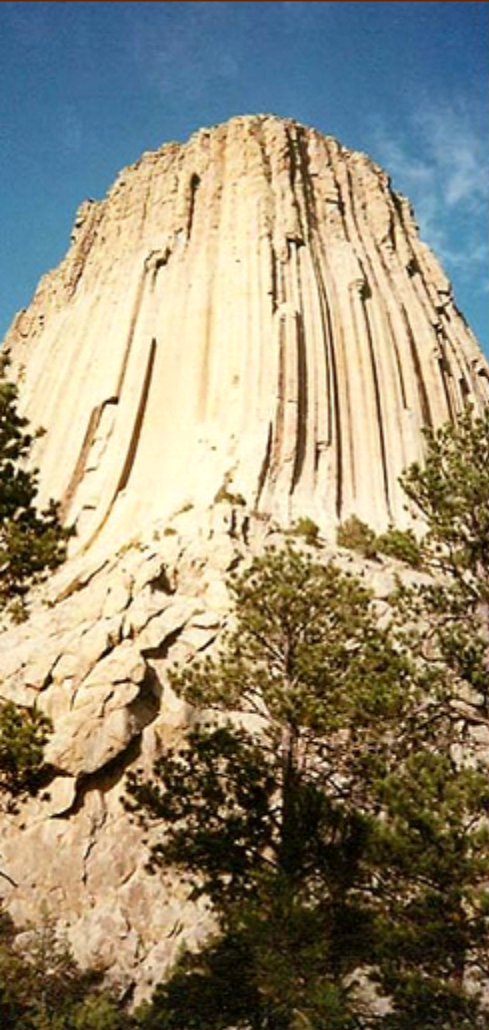
# Court Costs

All court costs shall be paid from the worker's compensation account if the judgment is in favor of the employer or the division.

If judgment is against the employer and the employer contested the claim without being joined in the contest by the division, the court costs shall be paid by the employer.

When the employer or division prevails, the court costs shall not affect the employer's experience rating.

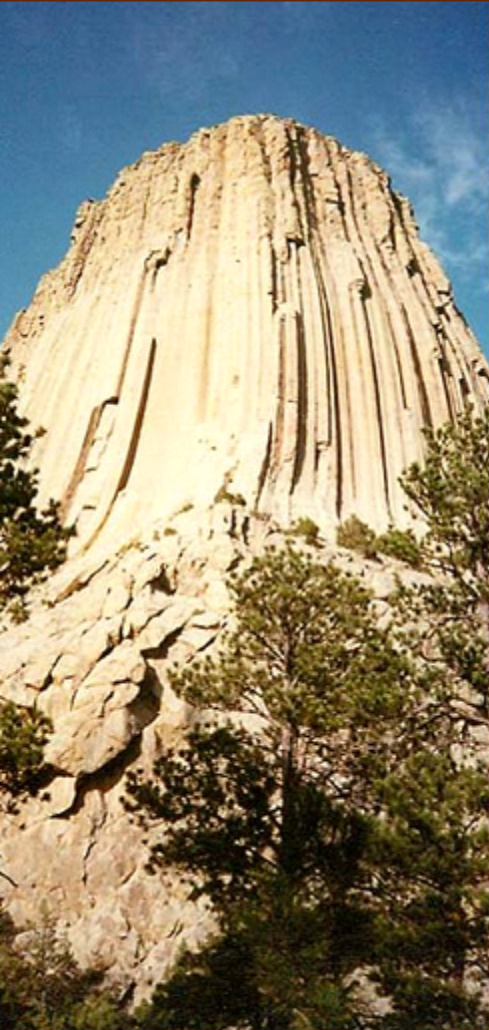
If judgment is against a health care provider, the court costs shall be paid by the health care provider. (Wyoming Statute 27-14-602)



# Appeals

Appeals may be taken from the decision rendered in any small claims hearing or contested case hearing by any affected party to the district court as provided by the Wyoming Administrative Procedure Act.

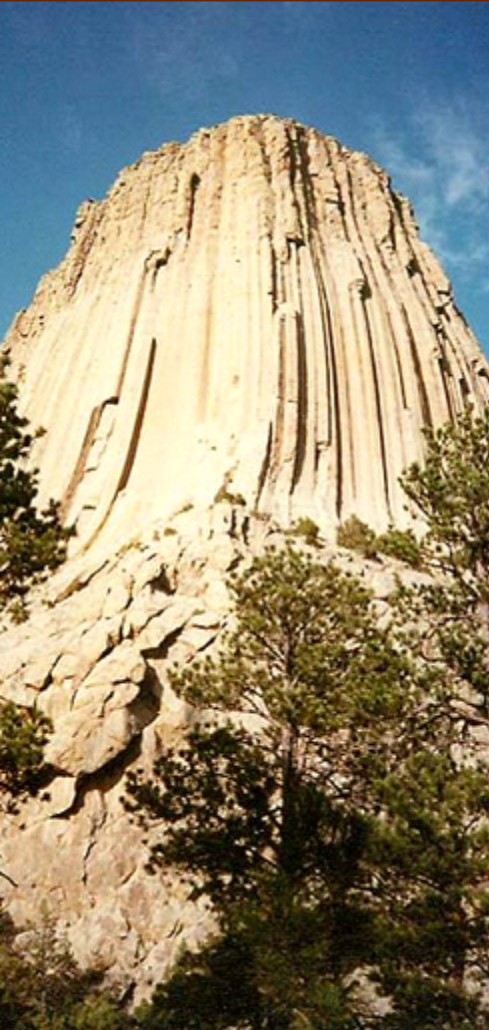
(Wyoming Statute.27-14-602)



# Appeals

If an appeal to the district court is prosecuted on behalf of the employee, docket fees in the district court shall be paid for directly out of the worker's compensation account.





## Questions / Concerns

For additional questions or concerns about your coverage contact your Account Specialist.

For Workers' Compensation questions in general you may wish to contact our Customer Service Unit during business hours at (307)777-5476, or via e-mail at [askmewc@state.wy.us](mailto:askmewc@state.wy.us).